



DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 3 and 165

Docket Number USCG-2022-0429

Coast Guard Sector Guam; Sector Name Conforming Amendment

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: This rule makes non-substantive amendments to Coast Guard regulations in association with a change in the Coast Guard's internal organization. These amendments reflect that U.S. Coast Guard Sector Guam has been renamed U.S. Coast Guard Forces Micronesia/Sector Guam. This rule will have no substantive effect on the regulated public.

DATES: This rule is effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2022-0429 in the search box and click "Search." Next, in the Document Type column, select "Supporting & Related Material."

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Sandra J. Miracle, U.S. Coast Guard; telephone 202-372-3851, email Sandra.J.Miracle@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

AOR	Area of responsibility
CFR	Code of Federal Regulations
DHS	Department of Homeland Security
FR	Federal Register
NPRM	Notice of proposed rulemaking
OFCO	Operating Facility Change Order
§	Section
U.S.C.	United States Code

II. Background Information and Regulatory History

Several years ago, the Coast Guard recognized the need to increase force allocation to Sector Guam’s area of responsibility and asset presence in Oceania. The multi-year review of Sector Guam’s missions and engagements within the region highlighted that “Sector Guam” alone did not adequately capture the breadth and range of Coast Guard operations and relationships throughout the U.S. Territories of Guam and the Commonwealth of the Northern Mariana Islands, as well as the Compact of Free Association States in Micronesia. The Coast Guard has approved the name change to U.S. Coast Guard Forces Micronesia/Sector Guam in order to acknowledge the long standing commitment to Oceania partners and to reaffirm the multi-mission support that the Coast Guard provides to ensure safety at sea and enhanced maritime governance.

We did not publish a notice of proposed rulemaking (NPRM) before this final rule. The Coast Guard finds that this rule is exempt from notice and comment rulemaking requirements under 5 U.S.C. 553(b)(A) because the changes it makes are conforming amendments involving agency organization. The Coast Guard also finds good cause exists under 5 U.S.C. 553(b)(B) for not publishing an NPRM because the changes will have no substantive effect on the public, and notice and comment are therefore unnecessary. For the same reasons, the Coast Guard finds good cause under 5 U.S.C. 553(d)(3) to make the rule effective fewer than 30 days after publication in the **Federal Register**.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 14 U.S.C. 504(a)(2), as

delegated at 33 CFR 1.05-1(h), to issue regulations necessary to implement technical, organizational, and conforming amendments and corrections to rules, regulations, and notices.

On February 28, 2022, the Coast Guard changed the official unit name of U.S. Coast Guard Sector Guam to U.S. Coast Guard Forces Micronesia/Sector Guam. See Operating Facility Change Order (OFCO) No. 012-22, which is available in the docket for this rule. The previous name of Sector Guam is described and reflected in regulations, which also contain contact details and other references to Sector Guam. These conforming amendments update those regulations so that they contain current information.

Under 14 U.S.C. 504(a)(2), the Commandant of the Coast Guard has authority to establish and prescribe the purpose of Coast Guard Shore establishments. This authority has been delegated to the Chief of the Coast Guard's Office of Regulations and Administrative Law under 33 CFR 1.05-1(h).

IV. Discussion of the Rule

OFCO No. 012-22, issued February 28, 2022, changed the name of U.S. Coast Guard Sector Guam to U.S. Coast Guard Forces Micronesia/Sector Guam. This rule simply reflects that name change in parts 3 and 165 of Title 33 of the Code of Federal Regulations. Part 3 of 33 CFR describes the location of U.S. Coast Guard districts, sectors, and Captain of the Port (COTP) and Officer in Charge of Marine Inspections (OCMI) zones. And part 165 contains regulations for regulated navigation areas, safety zones, and security zones that make references to Captains of the Port.

The February 2022 OFCO did not change the area of responsibility (AOR). The AOR of U.S. Coast Guard Forces Micronesia/Sector Guam is identical to that of what was U.S. Coast Guard Sector Guam. All authorities and responsibilities previously assigned to Commander, U.S. Coast Guard Sector Guam have been assigned to

Commander, U.S. Coast Guard Forces Micronesia/Sector Guam. Additionally, all authorities that were vested in the Commander, U.S. Coast Guard Sector Guam as it pertains to the COTP, the OCMI, the Federal On Scene Coordinator, the Federal Maritime Security Coordinator, and the Search and Rescue Coordinator, have been assigned to Commander, U.S. Coast Guard Forces Micronesia/Sector Guam.

This rule does not change any sector, OCMI, or COTP zone boundary lines, nor does it have any substantive impact on existing regulated navigation area, safety zone, or security zone regulation, or any naval vessel protection zones.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the finding that the name change will have no substantive effect on the public.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their

fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

For the reasons stated in section V.A above, this rule will not have a significant economic impact on any member of the public, including “small entities.”

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the

Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023-01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule consists only of an organizational amendment. It is categorically excluded from further review under paragraph L3 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01, Implementation of the National Environmental Policy Act.

List of Subjects in 33 CFR Part 3

Organization and functions (Government agencies).

List of subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR parts 3 and 165 as follows:

PART 3 – COAST GUARD AREAS, DISTRICTS, SECTORS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT ZONES

1. The authority citation for part 3 is revised to read as follows:

Authority: 14 U.S.C. 501, 504; Public Law 107-296, 116 Stat. 2135; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.2.

2. Revise § 3.70-15 to read as follows:

§ 3.70-15 U.S. Coast Guard Forces Micronesia/Sector Guam Marine Inspection Zone and Captain of the Port Zone.

U.S. Coast Guard Forces Micronesia/Sector Guam's office is located in Santa Rita, Guam. The boundaries of U.S. Coast Guard Forces Micronesia/Sector Guam's Marine Inspection Zone and Captain of the Port Zone comprise the Territory of Guam and the adjacent waters of the EEZ, and the Commonwealth of the Northern Mariana Islands and the adjacent waters of the EEZ. U.S. Coast Guard Forces Micronesia/Sector Guam's Marine Inspection Zone also includes the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

3. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.2.

§ 165.1401 [Amended]

4. In § 165.1401(b)(3), remove the word “Guam” and add, in its place, the words “U.S. Coast Guard Forces Micronesia/Sector Guam”.

§ 165.1402 [Amended]

5. In § 165.1402 in paragraph (a) introductory text, remove the word “Guam” and add, in its place, the words “U.S. Coast Guard Forces Micronesia/Sector Guam”.

§ 165.1404 [Amended]

6. In § 165.1404(b), remove the word “Guam” and add, in its place, the words “U.S. Coast Guard Forces Micronesia/Sector Guam”.

§ 165.1405 [Amended]

7. In § 165.1405 in paragraphs (d)(1), (3) and (6), remove the word “Guam” and add, in its place, the words “U.S. Coast Guard Forces Micronesia/Sector Guam”.

§ 165.1416 [Amended]

8. In § 165.1416(a), remove the word “Guam” and add, in its place, the words “U.S. Coast Guard Forces Micronesia/Sector Guam”.

§ 165.1417 [Amended]

9. In § 165.1417:

a. In paragraph (a), remove the word “Guam” and add, in its place, the words “U.S. Coast Guard Forces Micronesia/Sector Guam”; and

b. In paragraph (b), remove the words “Sector Guam” and add, in their place, the words “U.S. Coast Guard Forces Micronesia/Sector Guam”.

§ 165.1418 [Amended]

10. In § 165.1418:

a. In paragraph (a), remove the words “Guam Captain of the Port” and add, in its place, the words “U.S. Coast Guard Forces Micronesia/Sector Guam Captain of the Port”; and

b. In paragraph (b), remove the words “Sector Guam” and add, in their place, the words “U.S. Coast Guard Forces Micronesia/Sector Guam”.

§ 165.1419 [Amended]

11. In § 165.1419:

a. In paragraph (a), remove the words “Captain of the Port Guam” and add, in their place, the words “Captain of the Port U.S. Coast Guard Forces Micronesia/Sector

Guam”; and

b. In paragraph (b), remove the words “Sector Guam” and add, in their place, the words “U.S. Coast Guard Forces Micronesia/Sector Guam”.

Dated: August 3, 2022.

Michael T. Cunningham,
Chief, Office of Regulations and Administrative Law.

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